

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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United States of America, :  
: v. : 14-CR-272 (JSR)  
: Tetsuya Motomura, :  
: Defendant. :  
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**UNITED STATES' MOTION TO DISMISS INDICTMENT**

Pursuant to Federal Rule of Criminal Procedure 48(a), the United States respectfully moves the court for leave to dismiss with prejudice the superseding indictment against defendant Tetsuya Motomura. Dkt. 62. Counsel for Mr. Motomura consents to this motion.

On April 28, 2014, a grand jury in the Southern District of New York returned an indictment charging Mr. Motomura, a former currency trader at Rabobank, with five counts of conspiracy and wire fraud arising out of a scheme to manipulate the London Interbank Offered Rate (LIBOR). Dkt. 5. The grand jury returned a superseding indictment on June 25, 2015. Dkt. 62. Mr. Motomura is a Japanese citizen believed to be residing in Japan. He has not made an appearance in this case and the United States' efforts to extradite him from Japan have been unsuccessful.

The United States respectfully seeks the Court's leave to dismiss this matter because it has concluded that further efforts to secure Mr. Motomura's appearance are futile. The United States has been unable to secure Mr. Motomura's appearance through extradition and there is no reason to believe that he will appear voluntarily. Moreover, the Second Circuit's decision in *United States v. Connolly*, 24 F.4th 821 (2d Cir. 2022) frustrates the government's ability to

Motion granted.

So ORDERED

Jed S. Rakoff

USAO

7-26-23

prove its case. Because the United States seeks a dismissal with prejudice, dismissal of the superseding indictment will not implicate the types of harm against which Rule 48(a)'s "leave of court" requirement is designed to protect. *See Rinaldi v. United States*, 434 U.S. 22, 29 n.15 (1977).

Dated: Washington, D.C.  
July 24, 2023

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2023, I electronically filed the foregoing response by using the CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

*/s/ Brian Young*  
Brian Young